

REMARKS

This Reply is submitted in response to the non-final Office Action dated February 26, 2008. Claims 1-49 remain present in this application. In the present Office Action: claims 1-17 and 34-49 were rejected under 35 § U.S.C. 101; claims 34-49 were rejected under 35 § U.S.C. 112, second paragraph; claims 1-14, 17-30, 33-46, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0059079 (hereinafter “Negri”); claims 15, 16, 31, 32, 47, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Negri in view of “Quality of Service Aware Distributed Object Systems” (hereinafter “Koistinen”); claims 1-14, 17-30, 33-46, and 49 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,024,670 (hereinafter “Leymann”) in view of Negri; and claims 15, 16, 31, 32, 47, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leymann in view of Negri and Koistinen.

Applicants have amended claims 1, 18, and 34-49 for clarification of Applicants’ claimed subject matter. Claim 1 has also been amended to address the 35 § U.S.C. 101 rejection of claims 1-17 and claim 34 has also been amended to address the 35 § U.S.C. 101 rejection of claims 34-49. Applicants submit that the rejection of claims 1-17 and 34-49 under 35 § U.S.C. 101 is now moot. Claim 34 has also been amended to clearly indicate that claim 34 is an independent claim and claims 35-49 have also been amended to clearly indicate that claims 35-49 are dependent claims to address the 35 § U.S.C. 112, second paragraph, rejection of claims 34-49. Applicants submit that the rejection of claims 34-49 under 35 § U.S.C. 112, second paragraph, is now moot. No new matter has been entered with the amendments to the claims.

At the outset, Applicants note that quality of service specifications have traditionally been encoded within applications, application components, or communication flow elements of a system. In contrast, according to an aspect of Applicants’ claimed subject matter, a quality of service specification is made available to a runtime engine for deployment as a runtime contract (i.e., a contract for service).

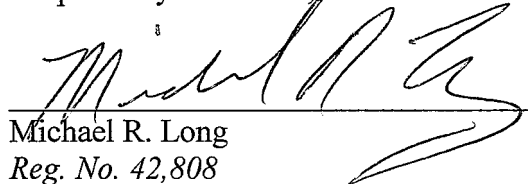
With reference to the rejection of independent claims 1, 18, and 34 in view of Negri, Applicants agree that Negri does not disclose that a quality of service specification is made available to a runtime engine for deployment as a runtime contract in a runtime processing environment. However, Applicants do not agree that it would have been obvious to modify Negri’s disclosed system to derive a runtime contract from a service delivery model.

Moreover, Applicants note that the Office Action does not cite any prior art references in support of the position. If the Examiner continues to maintain this position, Applicants respectfully request that the Examiner provide a prior art reference that supports the position. With respect to the rejection of independent claims 1, 18, and 34 over the combination of Leymann and Negri, Applicants submit that Leymann adds nothing of relevance to Negri with respect to Applicants' claimed subject matter. Moreover, Leymann, which was commonly assigned to the assignee of the present application at the time of the claimed invention, is not available as a prior art reference under 35 U.S.C. § 103(c). Applicants make no assertion as to the applicability (as prior art) of the foreign application to which Leymann claims priority.

For at least the reasons set forth above, Applicants respectfully submit that Applicants' independent claims 1, 18, and 34 are allowable over the applied art of record. Additionally, Applicants respectfully submit that dependent claims 2-17, 19-33, and 35-49 are also allowable for at least the reason that the claims depend on allowable claims.

Prior to action on this Reply, Applicants request a telephone interview with the Examiner. The undersigned attorney may be reached at (512) 617-5521.

Respectfully submitted,



Michael R. Long

Reg. No. 42,808

DILLON & YUDELL LLP

8911 North Capital of Texas Highway, Ste. 2110

Austin, Texas 78759

Telephone (512) 617-5521

Facsimile (512) 343-6446

ATTORNEY FOR APPLICANT(S)